

**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P.O. Box 68
Kremmling, CO 80459**

CATEGORICAL EXCLUSION

NUMBER: CO-120-2008-36-CX

PROJECT NAME: Transfer of Base Property and Bureau of Land Management (BLM) Livestock Grazing Preference on Allotments 07164 (Stephens A), 07166 (Stephens C), 07167 (Stephens D), 07088 (House Place) and 07146 (Ill R Rogerson) from the Deline Land and Cattle to P Diamond Livestock LLC

LEGAL DESCRIPTION: Includes all or part of:
07164 (Stephens A): T7N R79W sec 31, 32, 33 & T6N R79W sec 4, 5, 6, 7, 8, 9
07166 (Stephens C): T6N R79W sec2, 3, 4
07167 (Stephens D): T6N R79W sec 26, 27, 28, 33, 34, 35
07088 (House Place): T6N R80W sec 1 & T6N R 79W sec 6, 7
07146 (Ill R Rogerson): T6N R79W sec 21, 22

APPLICANT: Justin and Holli Sollenbarger

DESCRIPTION OF PROPOSED ACTION: The Proposed Action would transfer the base property and the livestock grazing preference on Allotments 07164 (Stephens A), 07166 (Stephens C), 07167 (Stephens D), 07088 (House Place) and 07146 (Ill R Rogerson) from Deline Land and Cattle to P Diamond Livestock. P Diamond Livestock would be assigned Livestock Grazing Permit # 0501807 upon completion of the Proposed Action.

BLM livestock grazing permit would authorize livestock grazing to the following extent:

Allotment	Active AUMs*	Suspended AUMs	Total
07088 (House Place)	12	0	12
07146 (Ill R Rogerson)	36	0	36
07164 (Stephen A)	208	0	208
07166 (Stephen C)	39	0	39
07167 (Stephens D)	78	0	78

* AUM = animal unit month = the amount of forage needed to sustain one cow and calf for one month.

No changes would be made to the authorized grazing preference, number or kind of livestock, or season of use with implementation of the Proposed Action.

BLM Livestock Grazing Permit # 0501807 would authorize:

Allotment	Number of Livestock	Kind of Livestock	Grazing Season Start	Grazing Season End	% Public Land	Type of Use	AUMs
07164	300	Cattle	6/1	7/30	35	Active	207
07168	70	Cattle	6/1	6/30	55	Active	38
07167	87	Cattle	6/1	6/30	90	Active	77
07088	40	Cattle	6/20	8/25	14	Active	12
07146	130	Cattle	7/10	9/30	10	Active	35

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: Livestock Grazing Management pages 5 through 8.

Decision Language: Objectives of the RMP/ROD include allocation of a base level of livestock forage and maintaining or improving forage production and condition in areas where livestock grazing is a priority or is compatible with the land use priority. The Proposed Project Area was designated with a livestock land use priority. Livestock grazing is compatible with this land use designation.

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 6, Appendix 5.4, Number: (D) (1) “*Approval of transfers of grazing preference.*” None of the following extraordinary circumstances in 516 DM 2, Appendix 2, apply.

Extraordinary Circumstances	Yes	No
2.1 Have significant impacts on public health or safety		X
2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].		X
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of historic Places as determined by either the bureau or office.		X
2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
2.9 Violate a Federal Law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility	Date Review Completed
Paula Belcher	Hydrologist	Soil, Water, Air, and Riparian Issues	03/05/08
Megan McGuire	Wildlife Biologist	Wildlife, T/E, and Sensitive Species	03/10/08
Bill B. Wyatt	Archaeologist	Cultural Resources/Native American Religious concerns	3/10/08
Joe Stout	P&EC	NEPA Compliance	9/29/08
Pete Torma	Range Management Specialist	Livestock Grazing	03/05/08

REMARKS:

Cultural Resources: Transfer of a grazing permit is not considered to be a ground disturbing activity nor a federal undertaking for cultural resources. BLM lands were not identified for cultural inventory in 1999 upon renewal of the permit.

Native American Religious Concerns: The American Indians (all three Ute Tribes, Shoshone and the Arapaho) were consulted in 1999 for the original grazing permit renewal. No concerns were identified at that time. A new consultation was not initiated for this grazing permit transfer.

Threatened and Endangered Species: The proposed transfer would not impact Endangered, Threatened, or Sensitive Species.

COMPLIANCE PLAN: Compliance with the livestock grazing permit and its terms and conditions would be accomplished through the Kremmling Field Office (KFO) Range Management Program. Livestock grazing would be monitored by the range staff and other BLM personnel, as appropriate, to ensure compliance. The KFO Range Monitoring Program would be used to schedule periodic utilization checks, collect data, and evaluate allotment conditions. Changes could be made to the grazing permit, based on monitoring, when changes are determined to be necessary to the public land health.

NAME OF PREPARER: Peter Torma

NAME OF ENVIRONMENTAL COORDINATOR: Joe Stout

DATE: 9/29/08

ATTATCHMENTS:

1). Livestock Grazing Permit with Standard Terms and Conditions

DECISION AND RATIONALE: I have reviewed this CER and have decided to implement the proposed action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an extraordinary circumstance and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Paula Belcher (acting)

DATE SIGNED: 10/8/08